

Application No. 09/888,600  
Reply to Office Action of 09/888,600

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 18-35 are pending in the present application. Claims 18, 23, 26 and 28 have been amended and Claims 34 and 35 have been added by the present amendment.

In the outstanding Office Action, Claims 18 and 20-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Yamaguchi et al.; Claims 19 and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamaguchi et al. in view of Kawakami et al.; Claim 26 was rejected under 35 U.S.C. § 103(a) as unpatentable over Yamaguchi et al. in view of Umetsu; and Claim 28-33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kawakami et al. in view of Yamaguchi et al.

Claims 18 and 20-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Yamaguchi et al. This rejection is respectfully traversed.

Amended independent Claim 18 is directed to a structure for fixing an optical element including contact mechanisms respectively provided between the first attaching surfaces of the intermediate holding members and side surfaces of the optical element for firmly maintaining the contact of the first attaching surfaces and the side surfaces.

In a non-limiting example, Figure 2A discloses contact mechanisms 3b respectively provided between the first attaching surfaces 5a of the intermediate holding members 5 and the side surfaces 3a of the optical element 3 for firmly maintaining the contact of the first attaching surfaces 5a and the side surfaces 3a. Figure 3B illustrates the contacting mechanisms including spacing members 13a. The different types of contact mechanisms are also recited in dependent Claims 23, 26, 34 and 35.

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As shown in Figure 3 of Yamaguchi et al., there are no contact mechanisms respectfully provided between the first attaching surfaces of the intermediate holding members 46 and the side surfaces of the optical element 20. Regarding the features recited in dependent Claim 23 (i.e., the flat portions), the outstanding Office Action takes official notice that it is well-known in the art to grind the side of a lens from a round surface to a flat surface and thus it would have been obvious to grind the side the lens for stable mounting. Applicants respectfully traverse this official notice and request a reference illustrating the claimed flat portions each facing a first attaching surface of an intermediate holding member and the required motivation to combine such a reference with Yamaguchi et al.

Regarding the contact mechanisms recited in Claim 26 (i.e., the space members), the outstanding Office Action indicates Umetsu teaches the claimed spacing members and cites Figure 7. The outstanding Office Action also states it would have been obvious to one of ordinary skill in the art of the invention to combine the device of Yamaguchi et al., with a spacing member of Umetsu for the purpose of aligning the optical axis. However, Applicants also traverse this assertion because it is respectfully submitted one skilled in the art would not provide the lens holder 20 of Umetsu between the optical element 20 and intermediate holder 46 of Yamaguchi et al. as claimed. There is no motivation provided in the references for providing the lens holder 20 between the intermediate holder 46 and the optical element 20.

Accordingly, it is respectfully submitted independent Claim 18 and each of the claims depending therefrom are allowable.

Claims 19 and 27 stand rejected under 35 U.S.C. § 103 as unpatentable over Yamaguchi et al. in view of Kawakami et al.

Claims 19 and 27 depend either directly or indirectly on independent Claim 18, which as discussed above is believed to be allowable. Further, it is respectfully submitted

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Kawakami et al. also do not teach or suggest the feature recited in the independent claims.

Accordingly, it is respectfully requested this rejection also be withdrawn.

The rejection of Claim 26 under 35 U.S.C. § 103(a) as unpatentable over Yamaguchi et al. in view of Umetsu has been discussed above.

Claims 28-33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kawakami et al. in view of Yamaguchi et al. This rejection is respectfully traversed.

Independent Claim 28 includes features similar to that discussed above with respect to independent Claim 18. Further, it is respectfully submitted Kawakami et al. also do not teach or suggest the claimed contact mechanisms. Accordingly, it is respectfully requested this rejection also be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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